

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KIZZY NICKERSON,

Plaintiff,

CASE NO. 15-CV-13163

HONORABLE GEORGE CARAM STEEH

v.

NANCY G. EDMUNDS,

Defendant.

ORDER GRANTING PLAINTIFF'S APPLICATION  
TO PROCEED IN FORMA PAUPERIS (Doc. #2),  
DISMISSING PLAINTIFF'S COMPLAINT (Doc. #1)  
AND DENYING ANY APPEAL IN FORMA PAUPERIS

Plaintiff Kizzy Nickerson filed this action against the Honorable Nancy G. Edmunds. As best as can be gleaned from the complaint, plaintiff contends that Judge Edmunds treated her "badly" and deprived her of a fair trial in an unspecified case. For the reasons that follow, the court will grant plaintiff's application to proceed *in forma pauperis* and dismiss the complaint with prejudice.

The court is directed to dismiss a case at any time if it is determined that the action "is frivolous or malicious"; "fails to state a claim on which relief may be granted"; or "seeks monetary relief against a defendant who is immune from such relief." 28 U.S.C. § 1915(e)(2). In determining whether a complaint is ripe for dismissal under § 1915(e)(2), the court is required to liberally construe the allegations in the complaint in favor of the *pro se* litigant; the *pro se* complaint is held to a less stringent standard than those drafted by attorneys. *Boag v. MacDougall*, 454 U.S. 364, 365 (1982) (per curiam); *Haines v. Kerner*, 404 U.S. 519, 520 (1972).

Here, construing the complaint liberally in favor of plaintiff, the court determines that this action must be dismissed. First, the complaint is frivolous. Factual frivolousness includes allegations that are “clearly baseless,” “fantastic,” or “delusional.” *Neitzke v. Williams*, 490 U.S. 319, 327–28 (1989). Plaintiff’s unintelligible 100-page complaint is clearly baseless.

Second, plaintiff’s complaint fails to state a claim on which relief may be granted. Plaintiff alleges that she was “treated badly.” Plaintiff does not explain or allege any factual details describing what she means by “treated badly.” To state a claim upon which relief can be granted, the complaint must contain a “short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). The standard under Rule 8 “does not require ‘detailed factual allegations,’ but it demands more than an unadorned, the-defendant-unlawfully-harmed-me accusation.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citation omitted). This requires “factual enhancement” amounting to more than “naked assertions.” *Id.* Plaintiff fails to state a claim on which relief may be granted.

Finally, plaintiff seeks monetary relief from Judge Edmunds; however, Judge Edmunds is entitled to absolute judicial immunity. To the extent that plaintiff’s complaint can be read as challenging Judge Edmunds’s decision dismissing plaintiff’s previous civil action, *Kizzy Nickerson v. Mike Duggan*, No. 15-cv-10413 (2015) (although plaintiff does not mention that specific case in the complaint), Judge Edmunds is entitled to absolute judicial immunity from this lawsuit. Judges are immune for their judicial actions. *See King v. McCree*, 573 F. App’x 430, 438–39 (6th Cir. 2014) (collecting cases). Any actions undertaken by Judge Edmunds in the course of dismissing plaintiff’s previously-filed

complaint in *Nickerson v. Duggan* were judicial in nature, and, therefore, she is entitled to absolute judicial immunity.

For these reasons, IT IS ORDERED that plaintiff's motion to proceed *in forma pauperis* (Doc. #2) is GRANTED. IT IS FURTHER ORDERED that plaintiff's complaint (Doc. #1) is DISMISSED. Based on the preceding order, this court certifies that any appeal from this decision would be frivolous, not in good faith and, therefore, pursuant to 28 U.S.C. § 1915(a)(3), may not be taken *in forma pauperis*.

IT IS SO ORDERED.

Dated: September 30, 2015

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on September 30, 2015, by electronic and/or ordinary mail and also on Kizzy Nickerson, 3742 Parker, Detroit, MI 48214.

s/Barbara Radke  
Deputy Clerk